

Applicants have filed a Drawings Correction Approval Request, attached hereto. Which labels each of Fig. 1 and 2 as Prior Art in order to overcome the objection.

### **CLAIM REJECTIONS**

Claims 1-13 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Applicants' admitted Prior Art in Fig. 1. This rejection is respectfully traversed.

Applicants respectfully submit that Fig. 1 of the specification fails to teach or suggest a method of communicating between a wireless unit and a packet data network, comprising at least a step of sending a setup packet over a circuit switched link between said wireless unit and a base station to establish a data session..., as recited in independent claim. In the Office Action, the Examiner indicates that the step of sending a setup packet over a circuit-switched link is found in the portion of the description of the related art beginning on page 3, line 2 and extending to page 7, line 2. However, Applicants reviewed this portion of the specification and find no support for the Examiner's position, whereby a setup packet is sent over a circuit-switched link between a wireless unit and a base station. This is because the description of the related art provides no nexus between the recited setup packet and utilizing a circuit-switched link that is typically used in a voice-based system to establish a dedicated communications path between a single wireless unit and a network. In particular, beginning on page 6, the description discusses problems with sending requests such as a setup packet over a packet switched link between a wireless unit and a base station within a packet switched network such as one utilizing IP or TCP/IP protocol. In particular, there is an undesirable delay associated with sending a setup packet for a data session over a packet-switched link between a wireless user and a base station. Such a result contributes to increased delay for users and degrades overall data rate and throughput of communications through the network. This is the

problem identified in the passages relied on by the Examiner. However, there is no discussion, whatsoever, linking the sending of a setup packet with a circuit-switched link, as is recited in independent claim 1. Accordingly, for at least this reason, Applicants submit that claims 1-13 should be indicated as allowable and the rejection withdrawn.

Various ones of the dependent claims make the distinctions over Fig. 1 even more apparent. For example, dependent claims 4-7 recite multiplexing of the setup packet with a traffic frame over the circuit-switched link, and also of multiplexing the setup packet with a voice frame at least for the duration of a voice call on the circuit-switched link. As Prior Art Fig. 1 does not teach or suggest a circuit-switched link as a medium between sending a setup packet between a wireless unit and a base station, the features recited in dependent claims 4-7 are also not taught or suggested by Prior Art Fig. 1. Accordingly, these claims are allowed for these additional reasons. Withdrawal of the rejection is kindly rejected.

Claims 1-7 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by NEVO at al. (U.S. Patent No. 6,320,873). This rejection is respectfully traversed.

For at least the reasons set forth above, Applicants submit that Nevo et al. fail to teach or suggest a method of communicating between a wireless unit and a packet data network comprising at least of a step of sending a setup packet over a circuit-switched link between said wireless unit and a base station..., as recited in independent claim 1. Nevo et al. discloses a network utilizing TCP/IP protocol. Therefore the network described in Nevo et al. is a packet switched network. There is no discussion of using a circuit-switched line in order to send a setup packet between a wireless unit and a packet data network. Accordingly, since the Examiner has not identified specifically where in Nevo et al. that a circuit-switched link is used for sending a setup packet, Nevo